IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.1681 (SS) OF 2001
(Old No. 36005/97)

Dinesh Singh Bhandari, son of Sri Gabbar Singh Bhandari, resident of C/o khadak Chand, Cinema Line, Pull ke pas, District Pithoragarh. .....Petitioner.

Versus

District Judge, Pithoragarh. .....Respondents.

17.02.2006

Hon'ble Rajesh Tandon, J.

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri Sharad Sharma, learned counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 07.10.1997 (Annexure No. 2 to the writ petition). Further the petitioner has preyed for a writ of mandamus directing the respondents not to terminate the service of the petitioner and to treat the petitioner as confirmed Chaukidar in the Judgeship of District Pithoragarh.

Brief facts giving rise to the present writ petition are that the petitioner was appointed on daily wage under the leave arrangement in Class IV in February, 1995 and since February, 1995 the petitioner continued on daily wages basis till 11.12.1995.

Learned counsel for the petitioner has submitted that the post of Chowkidar was sanctioned post in the Judgeship of District Pithoragarh since the establishment of the Judgeship in District Pithoragarh. One Om Prakash, who was permanent chowkidar in the office of the District Judge Pithoragarh was transferred in Etah Judgeship. Since Om Prakash was working against substantive and regular vacancy and as such the

petitioner who was qualified person and was working on daily wages basis was appointed as Chowkidar in regular vacancy of Om Prakash on 11.12.1995 by the then District Judge, Pithoragarh.

It has again been submitted that from the date of appointment the petitioner has been continuously working as Chowkidar and also got regular salary as is admissible to Class IV employee in the civil courts. The petitioner was also given annual increment after completing one year service and there was no complaint against the work and conduct of the petitioner during this period.

Petitioner has further submitted that in the first week of September, 1997 the petitioner as usual went in the office for performing his duties, but he was not permitted to work in the office, nor he was permitted to sign the attendance register.

The grievance of the petitioner is that without any show cause or affording any opportunity of hearing, his service was terminated on 7th October, 1997 when in point of fact he has worked for more than two years.

The petitioner has submitted that he has made a representation on 2.09.1997 stating his grievances, but no orders were passed.

The respondent, therefore, is directed to consider the representation of the petitioner within a period of six weeks from the filing of the certified copy of the order after giving an opportunity of hearing to the petitioner.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

17.02.2006
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